

STATEMENT OF JIMMIE WOLF, JR., REALTY OFFICER, PORTLAND AREA OFFICE, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, FACT FINDING HEARING ON THE TRESPASS SITUATION AT NEZ PERCE.

July 5, 1995

Mr. Chairman, thank you for the opportunity to testify today regarding the trespass situation on allotted land within the Nez Perce Indian Reservation in Idaho.

The Bureau of Indian Affairs (BIA), as an agent of the United States, has a trust responsibility to protect and preserve the land and title for the beneficial owners of trust allotments, as specified under the General Allotment Act of February 8, 1887. In 1989, based on an application to sell by the trust allotted owners, the BIA requested the Bureau of Land Management (BLM) to survey portions of an allotment situated within Sections 12 and 13, Township 33 North, Range 3 East, Boise Meridian. Individuals to the south of the trust allotment were discovered to be in trespass. As the parties in trespass, Ms. Lorna Boykin and Mr. Reynold L. Allgood challenged the survey conducted by BLM. BLM dismissed the protest and an appeal was made to the Interior Board of Land Appeals (IBLA) by Ms. Boykin and Mr. Allgood, resulting in an IBLA decision on August 31, 1994, which upheld the BLM survey.

Pursuant to that IBLA decision, the Superintendent, Northern Idaho Agency, BIA, after consultation with the Office of the Regional Solicitor, Department of the Interior, concluded it was necessary to issue trespass notices to those individuals whose boundary

descriptions relied on the improper location of the northeast corner of Section 13 by a private surveyor. At the request of Senator Craig this action has been delayed to allow time for the Senator to conduct a hearing.

While the BIA sympathizes with the individuals affected, its trust responsibility is definitive and explicit, i.e., to protect, preserve, and maintain the trust land and title for the "sole use and benefit of the allottee/heirs."

This concludes my statement. I will be pleased to answer any questions.